

*DAE/ The*  
*2667*



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: TREADAWAY=1B

|                                    |   |                             |
|------------------------------------|---|-----------------------------|
| In re Application of:              | ) | Conf. No.: 4336             |
| Moshe NATTIV                       | ) |                             |
|                                    | ) | Art Unit: 2667              |
|                                    | ) |                             |
| Appln. No.: 09/158,764             | ) | Examiner: William A. Luther |
|                                    | ) |                             |
| Filed: September 23, 1998          | ) | Washington, D.C.            |
|                                    | ) |                             |
| For: METHOD AND APPARATUS FOR .... | ) | June 21, 2005               |
|                                    | ) |                             |
|                                    | ) |                             |

REQUEST FOR SMALL ENTITY STATUS ERROR TO BE EXCUSED

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the present application, status as a small entity was established in good faith and fees as a small entity were paid in good faith on June 3, 2005. It has recently been discovered that such status as a small entity was established in error. Pursuant to 37 C.F.R. §1.28(c), it is requested that this error be excused as the present communication is in compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of 37 C.F.R. §1.28.

Adjustment date: 06/24/2005 HDEMESS2  
06/07/2005 HBEYENE2 00000008 09158764  
01 FC:2501 -700.00 OP

06/24/2005 HDEMESS2 00000078 09158764  
01 FC:1501 1400.00 OP

In re of Appln. No.

Attached hereto is a form PTO-2038 authorizing the additional charges of \$700.00, which satisfies the deficiency payment requirement as per the following itemization.

The following itemization of the total deficiency payment is provided:

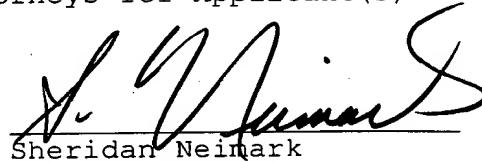
| Type of Fee | Current Fee for<br>Non-Small<br>Entity | Small Entity<br>Actually<br>Paid | Date of<br>Payment | Deficiency<br>Owed Amount |
|-------------|--|----------------------------------|--------------------|---------------------------|
| Issue Fee   | \$ 1400.00                             | \$ 700.00                        | 06/03/2005         | \$ 700.00                 |
|             |  |                                  | Total Owed         | \$ 700.00                 |

As all of the requirements of 37 C.F.R. §1.28(c) have been complied with, it is requested that this deficiency payment be accepted and that the errors in small entity status previously made be excused.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By



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